

AMENDED IN SENATE MARCH 20, 2007

SENATE BILL

No. 208

Introduced by Senator Runner

February 8, 2007

An act to amend Section 1266 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 208, as amended, Runner. Health facilities: correctional treatment center license fees.

Existing law establishes specified licensing and certification program fees for various health facilities, including correctional treatment centers.

This bill would prohibit the assessment and collection of these fees from any county for the operation of a correctional treatment center.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1266 of the Health and Safety Code is
2 amended to read:
3 1266. (a) Unless otherwise specified in statute, or unless funds
4 are specifically appropriated from the General Fund in the annual
5 Budget Act or other enacted legislation, the Licensing and
6 Certification Division shall, no later than the beginning of the
7 2009–10 fiscal year, be supported entirely by federal funds and
8 special funds.
9 (b) The Licensing and Certification Program fees for the
10 2006–07 fiscal year shall be as follows:

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2			
3	Type of Facility	Fee	
4	General Acute Care Hospitals	\$ 134.10	per bed
5	Acute Psychiatric Hospitals	\$ 134.10	per bed
6	Special Hospitals	\$ 134.10	per bed
7	Chemical Dependency Recovery Hospitals	\$ 123.52	per bed
8	Skilled Nursing Facilities	\$ 202.96	per bed
9	Intermediate Care Facilities	\$ 202.96	per bed
10	Intermediate Care Facilities - Developmentally		
11	Disabled	\$ 592.29	per bed
12	Intermediate Care Facilities - Developmentally		
13	Disabled - Habilitative	\$1,000.00	per facility
14	Intermediate Care Facilities - Developmentally		
15	Disabled - Nursing	\$1,000.00	per facility
16	Home Health Agencies	\$2,700.00	per facility
17	Referral Agencies	\$5,537.71	per facility
18	Adult Day Health Centers	\$4,650.02	per facility
19	Congregate Living Health Facilities	\$ 202.96	per bed
20	Psychology Clinics	\$ 600.00	per facility
21	Primary Clinics - Community and Free	\$ 600.00	per facility
22	Specialty Clinics - Rehab Clinics		
23	(For profit)	\$2,974.43	per facility
24	(Nonprofit)	\$ 500.00	per facility
25	Specialty Clinics - Surgical and Chronic	\$1,500.00	per facility
26	Dialysis Clinics	\$1,500.00	per facility
27	Pediatric Day Health/Respite Care	\$ 142.43	per bed
28	Alternative Birthing Centers	\$2,437.86	per facility
29	Hospice	\$1,000.00	per facility
30	Correctional Treatment Centers	\$ 590.39	per bed

31
 32 (c) Commencing February 1, 2007, and every February 1
 33 thereafter, the department shall publish a list of estimated fees
 34 pursuant to this section. The calculation of estimated fees and the
 35 publication of the report and list of estimated fees shall not be
 36 subject to the rulemaking requirements of Chapter 3.5
 37 (commencing with Section 11340) of Part 1 of Division 3 of Title
 38 2 of the Government Code.

39 (d) By February 1 of each year, the department shall prepare
 40 the following reports and shall make those reports, and the list of

1 estimated fees required to be published pursuant to subdivision
2 (c), available to the public by submitting them to the Legislature
3 and posting them on the department's Internet Web site:

4 (1) The department shall prepare a report of all costs for
5 activities of the Licensing and Certification Program. As part of
6 this report, the department shall recommend Licensing and
7 Certification Program fees in accordance with the following:

8 (A) Projected workload and costs shall be grouped for each fee
9 category.

10 (B) Cost estimates, and the estimated fees, shall be based on
11 the appropriation amounts in the Governor's proposed budget for
12 the next fiscal year, with and without policy adjustments to the fee
13 methodology.

14 (C) The allocation of program, operational, and administrative
15 overhead, and indirect costs to fee categories shall be based on
16 generally accepted cost allocation methods. Significant items of
17 costs shall be directly charged to fee categories if the expenses can
18 be reasonably identified to the fee category that caused them.
19 Indirect and overhead costs shall be allocated to all fee categories
20 using a generally accepted cost allocation method.

21 (D) The amount of federal funds and General Fund moneys to
22 be received in the budget year shall be estimated and allocated to
23 each fee category based upon an appropriate metric.

24 (E) The fee for each category will be determined by dividing
25 the aggregate state share of all costs for the Licensing and
26 Certification Program by the appropriate metric for the category
27 of licensure.

28 (2) (A) The department shall prepare a staffing and systems
29 analysis to ensure efficient and effective utilization of fees
30 collected, proper allocation of departmental resources to licensing
31 and certification activities, survey schedules, complaint
32 investigations, enforcement and appeal activities, data collection
33 and dissemination, surveyor training, and policy development.

34 (B) The analysis under this paragraph shall be made available
35 to interested persons and shall include all of the following:

36 (i) The number of surveyors and administrative support
37 personnel devoted to the licensing and certification of health care
38 facilities.

39 (ii) The percentage of time devoted to licensing and certification
40 activities for the various types of health facilities.

1 (iii) The number of facilities receiving full surveys and the
2 frequency and number of followup visits.

3 (iv) The number and timeliness of complaint investigations.

4 (v) Data on deficiencies and citations issued, and numbers of
5 citation review conferences and arbitration hearings.

6 (vi) Other applicable activities of the licensing and certification
7 division.

8 (e) (1) The department shall adjust the list of estimated fees
9 published pursuant to subdivision (c) if the annual Budget Act or
10 other enacted legislation includes an appropriation that differs
11 from those proposed in the Governor's proposed budget for that
12 fiscal year.

13 (2) The department shall publish a final fee list, with an
14 explanation of any adjustment, by the issuance of an all facilities
15 letter, by posting the list on the department's Internet Web site,
16 and by including the final fee list as part of the licensing application
17 package, within 14 days of the enactment of the annual Budget
18 Act. The adjustment of fees and the publication of the final fee list
19 shall not be subject to the rulemaking requirements of Chapter 3.5
20 (commencing with Section 11340) of Part 1 of Division 3 of Title
21 2 of the Government Code.

22 (f) (1) No fees shall be assessed or collected pursuant to this
23 section from any state department, authority, bureau, commission,
24 or officer, unless federal financial participation would become
25 available by doing so and an appropriation is included in the annual
26 Budget Act for that state department, authority, bureau,
27 commission, or officer for this purpose. No fees shall be assessed
28 or collected pursuant to this section from any clinic that is certified
29 only by the federal government and is exempt from licensure under
30 Section 1206, unless federal financial participation would become
31 available by doing so. No fees shall be assessed or collected
32 pursuant to this section from any county for the operation of a
33 correctional treatment center. *Notwithstanding subdivisions (a)*
34 *and (d), the program, operation, and administrative overhead,*
35 *and indirect costs that would otherwise be allocated to the fee*
36 *category for a correctional treatment center operated by a county*
37 *shall not be allocated to any other fee category or otherwise used*
38 *to increase the fees for any other fee category.*

1 (2) For the 2006–07 state fiscal year, no fee shall be assessed
2 or collected pursuant to this section from any general acute care
3 hospital owned by a health care district with 100 beds or less.

4 (g) The Licensing and Certification Program may change annual
5 license expiration renewal dates to provide for efficiencies in
6 operational processes or to provide for sufficient cashflow to pay
7 for expenditures. If an annual license expiration date is changed,
8 the renewal fee shall be prorated accordingly. Facilities shall be
9 provided with a 60-day notice of any change in their annual license
10 renewal date.